

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PAUL ROMANO, JR., :
 :
 Plaintiff, :
 :
 v. : Civ. No. 06-573-JJF
 :
 STAN TAYLOR, VINCE BIANCO, :
 JAMES HUTCHINS, WARDEN ROBERT :
 GEORGE, DEPUTY WARDEN WILLIAM :
 EDEL, COUNSELOR NFN TOLSON, :
 NFN WILLIAMS, CLINICAL :
 SUPERVISOR REGGIE GILBERT, :
 COUNSELOR NFN WASHINGTON, :
 SENIOR COUNSELOR NFN HICKS, :
 SHIFT COMMANDER LAURA SIKORA, :
 MICHEAL RECORDS, STAFF :
 LIETENANT NFN MAY, ALAN :
 GRINSTEAD, AND ATTORNEY :
 GENERAL CARL DANBERG, :
 :
 Defendants. :

ORDER

NOW THEREFORE, at Wilmington this 20 day of October, 2006,
IT IS HEREBY ORDERED that:

1. Plaintiff's claims against Defendants Stan Taylor, Vince Bianco, James Hutchins, Warden Robert George, Deputy Warden William Edel, Shift Commander Laura Sikora, Micheal Records, Staff Lieutenant NFN May, Alan Grinstead, and Attorney General Carl Danberg are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b)(1) and they are DISMISSED as Defendants.

2. The claims seeking recovery of personal property and lost wages are DISMISSED without prejudice.

3. The Court has identified what appears at this time to be cognizable claims against Defendants Counselor NFN Tolson, NFN Williams, Clinical Supervisor Reggie Gilbert, Counselor NFN Washington, and Senior Counselor NFN. Plaintiff is allowed to proceed against these Defendants.

IT IS FURTHER ORDERED that:

1. The Clerk of the Court shall cause a copy of this Order to be mailed to Plaintiff.

2. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), Plaintiff has completed and returned to the Clerk of the Court an **original "U.S. Marshal-285" form for the remaining Defendants Counselor NFN Tolson, NFN Williams, Clinical Supervisor Reggie Gilbert, Counselor NFN Washington, and Senior Counselor NFN Hicks** as well as for the Attorney General of the State of Delaware, 820 N. FRENCH STREET, WILMINGTON, DELAWARE, 19801, pursuant to DEL. CODE ANN. tit. 10 § 3103(c). Plaintiff has also provided the Court with copies of the complaint (D.I. 2) for service upon the remaining Defendants.

3. All form(s) required by paragraph 2 have been received, and, the United States Marshal shall forthwith serve a copy of the complaint, this Order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon the defendant(s) identified in the 285 forms.

4. Within **thirty (30) days** from the date that the "Notice

of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a Defendant, the United States Marshal shall personally serve said Defendant(s) pursuant to Fed. R. Civ. P. 4(c)(2) and said Defendant(s) shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

5. Pursuant to Fed. R. Civ. P. 4(d)(3), a Defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this Order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a Defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

6. No communication, including pleadings, briefs, statement of position, etc., will be considered by the Court in this civil action unless the documents reflect proof of service upon the parties or their counsel.

7. **NOTE: ***** When an amended complaint is filed prior to service, the Court will **VACATE** all previous service orders entered, and service **will not take place**. An amended complaint filed prior to service shall be subject to re-screening pursuant

to 28 U.S.C. §1915(e)(2) and § 1915A(a). ***

8. **NOTE:** *** Discovery motions and motions for appointment of counsel filed prior to service will be dismissed without prejudice, with leave to refile following service. ***


UNITED STATES DISTRICT JUDGE